

Mr. SPEAKER.—The question is :

“That this House disapproves the Mysore Civil Services (Prevention of Strikes) Ordinance, 1966”.

The Resolution was negative.

Sri C. J. MUCKANNAPPA.—Sir, I press for a division)

(*Division Bell rang for two Minutes*)

Mr. SPEAKER.—The question is :

“That this House disapproves the Mysore State Civil services (Prevention of strikes) ordinance, 1966.”

(The division was taken by requesting the Members for and against the Resolution to stand in their seats)

Mr. SPEAKER.—The result of the division is as follows:

Ayes: 25, Noes: 65.

(*The Resolution was lost*)

mysore state civil services (prevention of strikes) bill, 1966.

(*Motion to consider*)

Sri M. V. RAMA RAO (Minister for Home): Sir,

Sri K. H. RANGANATH.—I rise to a point of order. I had opposed the moving of the Bill under rule 71.

Mr. SPEAKER.—If the member wants he can oppose. If members want to know the constitutional position, I am ready to help them with all the information. Let the Debate start.

Sri M. V. RAMA RAO.—Sir, this is a Bill which seeks to replace the ordinance which had been issued earlier and is intended to provide for the prevention of strikes by civil servants of the State of Mysore. Hon'ble members of the House are aware that in this State as in some other State there have been organised attempts to tamper with the loyalty of Government servants and to instigate and incite them into behaving as if they were members not of the civil service but of a labour union. Ideas have been sought to be put into their heads and to make them believe that they have a position which is similar to the position of the factory workers in industrial establishments who, on certain occasions, go on strikes in order to achieve

demands which they find they are unable to get accepted by the management. Now this is a position which is on the face, it thoroughly fallacious. So far as public servants are concerned they are employed in the service of the State and should not be encouraged to believe that the relation of master and servant or of employer and employee is the only nexus between Government and its employees. That is not the position. Civil servants occupy a very privileged and special position in regard to their employment. They are employed to transact the business of the Government which is the business of public administration and administration has to be carried on not for the benefit of a few persons who may be holding office as ministers and running the Government at the time or for the benefit of the civil servants alone. It is to be run in the interests of the general public as a whole. Hon'ble members are aware that in the State of Mysore, for instance, where the population is of the order of 240 lakhs of persons, the total number of persons who may be described as persons belonging to the civil service would not perhaps exceed 1 per cent of this number. Probably the total number of civil servants would not add up to even 2.4 lakhs of persons. This being the case any attempt to make it appear that 1 per cent of the population who have security of tenure in their service, whose service conditions are regulated in accordance with well-known principles and who receive regular monthly salaries and other emoluments, should receive any special consideration which is denied or which is not in any case available to the other 99 per cent of the population. This is one of the most fantastic arguments that I have ever heard made on the floor of this House.

I don't think that any Hon'ble Member of this House who knows that he is the spokesman of the people of the State and has been elected to the Legislature upon the suffrage of the masses who do not receive salaries and to whom allowances are not paid; who did not even have insurance against famine and drought and who are left to their own source to eke their living, will make special arrangements in favour of those who receive salaries and whose appointments are protected for them and for their benefit by law and legislation. Is it argued that special case and special provision should be made for safeguarding the interests of one per cent of the people as against the rest of the 99 per cent? At whose expense are these salaries to be paid? Each one of us is paying; we are paying these salaries out of the money gathered from the tax-payer. The hundred per cent pay taxes, and one per cent receive salary. The other 99 per cent do not receive any salary; and therefore, we should be interested in them; we should take note of the larger interests of the State and the people as a whole. To seek to invest this agitation and this attempt to engineer the strike of civil servants of the State and to seek to invest it with an importance which it does not deserve, would it be reasonable and acceptable?

We have had occasions to observe and find that by and large, a very considerable proportion of the Government servants are not

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inclined to join these engineered attempts to make these agitations and demonstrations. By and large, they would like to mind their own business. They would like to leave it to the Government and its sense of responsibility and its good sense to see to it that their employees are enabled to make both ends meet ; to make it possible for them to make a living out of their salaries and allowances in so far as it is humanly possible to do so. And in this attempt. I may assure the Hon'ble Members of this House that Government is no less anxious than the Hon'ble Members sitting on that side of the House, to ensure for the Civil servants of the State conditions which will reduce their difficulties which will minimise their inconveniences and will give them the utmost help and assistance and co-operation to make them face difficulties which are today being shared by the entire people of this country.

If prices have gone up, they have not gone up only for the Civil Servants. They have gone up for the people who have to earn daily wages and for whom employment is no profit. What about the landless agricultural labourer to whom everyone is sympathetic ? We know that employment is not readily available to him throughout the year, that there is no security of employment for him with no assurance of continuous gainful employment. And even so, attempts are made to magnify the difficulties of the N.G.O.s.

Therefore, I say that it would not be reasonable to make it appear that any discrimination is being made against Civil Servants by the Government in any matter whatsoever. I may assure the Hon'ble Members that far from any such things, it is exactly the opposite. The Hon'ble Members will remember that during the past five or six years, there has been upward revision in the salaries and allowances that are paid to the Civil Servants of the State a number of times, probably half-a-dozen times. What has happened even as a matter of these increases in emoluments ? It has been found by them and by those who are interested in their welfare that these increases in monetary emoluments have been absorbed by the shop-keepers, that is the man who sells stores. There increases in emoluments have been absorbed by the retail shop-keeper. They remain as poor as before and in much the same condition as before. Therefore, each time this upward increase in emoluments has been made large sums of money have had to be found to meet these monetary commitments in order to pay these increased salaries and allowances : and at whose expense ? It is at the expense of the tax-payer for whose interests every one of us has some sympathy. And therefore, I put it to the Hon'ble Members of this House : we should all join and endeavour to find out ways and means of meeting the real question and solving the real problem, which is the question of enabling the man with limited money and limited income to make both ends meet and to buy the necessities of life. And for enabling him to do that, lots of suggestions have been made. Other propositions have been put forward. Attempts have been made to set

up consumer co-operatives and to assist in a number of other ways, to see that his increased emoluments are not swallowed by the shop-keeper.

Apart from this concern on the part of the Government in respect of its own employees, what is it we find? We find that a handful of persons called the office-bearers of a certain Association of Civil Servants, whom I won't name, have been going about making it appear that the Government is callous and those persons are formulating and putting forward demands. They cannot make these demands. They can make requests. They will be considered sympathetically. We they and you, every one of us come from the same set of people. There is no necessary antagonism between those who hold one position in the hierarchy of the Government Service and those who hold another position. It is the same interest of having gainful employment and getting emoluments to subsist. And, therefore while these attempts have been made to deal with their case sympathetically, we find, on the other side, organised attempts are being made to make it appear that the Government is callous in the case of their own employees and that they do not care whether salaried employees live or die, whether they eat or starve. Such is not in fact, the case; it is contrary. As I find it, Government have been constantly exercising their mind in regard to the plight of the Civil servants with limited money and incomes on account of the soaring prices owing to some unusual conditions throughout the country. They have taken note of their position whether these salaries are sufficient or insufficient and what should be done to give them salaries in order to make their subsistence. Far from being sympathetic to these attempts on the part of the Government, we find that a handful of persons have been trying to instigate and incite Government employees to take up an attitude of defiance, to tamper their loyalty to the Government itself and to induce them to go on strike by staying away from work in a pre-meditated manner. And to this same end a very considerable quantity of mass leave applications have been printed. Instead of doing their legitimate work in the place where they should sit and at the allotted table and place, certain employees have been found getting these casual leave application forms and distributing them from house to house, and persuading, threatening and compelling willing and unwilling workers in Government Service into filling up these forms and to lodge them in their offices; they have been instigating and trying to persuade the civil servants to stop away from their work after filling these forms.

5.30 P.M.

Now this is a matter in regard to which all of us should be quite clear in our minds. Government is not a factory and the Secretariat is not a industrial establishment; it is not a beedi workers factory where we can incite them to go on strike. It is not that. It is much more significant and much more consequential than an industrial establishment. If once we permit ourselves, no matter who are interested, to tamper

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with what I would call a large sense of loyalty of the civil servants to the State in the service of which they are employed, than we are cutting at the very root of any administration worth the name.

And, during the course of the debate on the Resolution, one or two hon'ble members, who spoke, attempted to make it appear that this is conceived in the interests to put an end to parliamentary democracy. Would any one want to believe it? If they are all satisfied on the other side of the House that we have brought forward this measure in order to put an end to our own prospects of being in charge of the administration for ever in the future, that is a matter on which they should feel happy that they would be able to ruin the administration, instead of feeling sorry. It is a most fantastic argument that we should like to tamper with the sense of loyalty of the civil servants so that we can put a party out of office at the elections. Is that what one wants to do?

Some citations were made about such agitations done in 1942 and 1919 at Amritsar and elsewhere. Those citations are wholly irrelevant. This is a matter in which we should be clear minded. Do we want that civil employees of the Government should be allowed to stay away from work and formulate their demands, which can be met only by taxing the people more and more? Is that what is wanted in this contingency? It is a most fantastic argument. It has been provided in this Bill that no civil servant shall go on causal leave unless he has obtained previous permission to do so. The only exception is in the case of sickness. Otherwise, he will have to obtain the permission to avail himself of causal leave before absenting himself from duty. This is made compulsory because I have found that attempts are being made to persuade people to stay away on casual leave. If everybody stays away like that it can be claimed that there is no administration in this country. That claim could be made. It is intended to prevent any such thing being done and this Bill, on the whole, unabashedly claims to prevent such a thing happening in future. If the people want that civil servants should stay away from work and that they should be taxed more and more in order to paying them increased salary and demands as when they choose, without any regard to consideration of other relevant factors, then such a country gets what it deserves. Therefore, this Bill is intended to prevent civil servants organising themselves in such a manner and absenting themselves in such a manner as to constitute a strike. Those provisions have been made in this Bill and whosoever absents himself without obtaining previous permission by way of causal leave or whosoever is found instigating or inciting civil servants to absent themselves in such a manner, would both be committing an offence under this law and penalties have been provided and the Courts will try the cases when they are prosecuted as occasions arise.

There is no attempt to violate the Constitution, there is no attempt to deny to anyone his fundamental rights which have been guaranteed under the Constitution, there is no fundamental right to strike and there

is no Article in the Constitution which provides or recommends any fundamental rights on the part of civil servants to go on strike or to organise a mass absence of civil servants from doing their work on an appointed day. This kind of thing is intolerable and will not be tolerated, let me make it perfectly clear, and the law will be allowed to do its course and the course will be known in due course. Attempts have already been made by one or two members to go before a Court. They did not choose to go before the High Court; they thought it necessary to go to the Supreme Court and they filed a petition questioning the validity of the ordinance. The petition was not even admitted at the stage of admission and the Court told the petitioners that there is no fundamental right on the part of the Government servants to strike, and therefore, no fundamental right has been violated by this ordinance and this cannot be struck down. It was not admitted and it was dismissed and the decision of the Supreme Court has been reported in the Press. And, the Supreme Court, on an earlier occasion has also held that the provisions of Article 19 of the Constitution, a citation of which is made so frequently and so often, does not contain anything which indicates that there is a fundamental right to strike, and certainly not against the Government on the part of the civil servants. Therefore, Sir, I commend this Bill for the acceptance of the House.

Sri K. H. RANGANATH.—Sir, my objection for the introduction of the Bill was under Rule 71 of the Rules of Procedure and Conduct of Business. Proviso to Rule 71 says :

“ Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the Assembly, the Speaker may permit a full discussion thereon.”

I submit that I am also aware of the decisions of the Supreme Court. They specifically decided in the year 1963 and it has been held by that Hon’ble Court that the civil servants have no right to strike. That is not my point. My point is, this House gets its legislative power under Article 246 and the relevant entries attached to the Constitution, viz., the State List. Why I refer particularly Rule 71 and proviso thereon is, we do not find in any of the entries of the State List provision which gives a power to pass a law of this kind. Particular entry in the List, viz., Entry No. 41—State Public Services, State Public Service Commission—has particular reference to the State public services. As I could understand, this Bill is not under Article 309 and under Entry 41 of the State Entry which prescribes the conduct of the civil servants, because under Article 309 recruitment and conditions of service of a person serving in the Union or a State is there and the State Government and the Legislature are competent to pass laws. Therefore I submit under Rule 71, this piece of legislation which is not within the competence of the August House cannot be introduced and discussed. On that point Sir, I opposed the introduction of this Bill.

MR. SPEAKER.—Does the member want to say anything on the merits?

SRI K. H. RANGANATH.—Yes Sir. I want to submit that after hearing the lucid speech by the Hon'ble Minister with all due respect to him, none of us not even a single member of this august House is happy or is willing to say that the Civil Servants should strike and should not attend to their legitimate duty nor do we expect that they should every day make demand they should be fed sumptuously at the cost of the tax payer. My apprehension is about the relevant provisions of the Bill specially sections 5, 6, 7 and 8 which impose an imprisonment of six months and a fine of Rs. 500 and both for the Civil Servants who strike. Is it such an offence to put him behind the bars and also deprive him of his civil rights? That is what I want to submit to this august House and further Sir, it can be argued that sections 5, 6, 7 and 8 of the Bill are intended to abridge the fundamental rights under Article 19. We do not sit in judgement whether the restrictions are reasonable or not. It is the Court that has to say. Mere reading of the Bill would make any one feel it has abridged the fundamental rights which are guaranteed to every citizen whether he is a Government Servant or anybody else. The only clarification that can be made under article 19 is that he should approach in a proper way because he is a Civil Servant and he may lose the right of appealing, but not to the extent that he should be put behind the bars and with a fine of Rs. 500 and also to lose his civil right. We do not know, in fact, who is to give him that punishment, who is that Magistrate and what offence is bearable or unbearable nothing is stated. Though that it is for the Court to say, we are not happy if the fundamental rights are abridged. I further submit that this is a most uncivilised Bill that ever was introduced in the august Houses specially in the Mysore State. Therefore I pray not to pass this Bill.

† ಶ್ರೀ ಎನ್. ತಿಪ್ಪೆ.—ಸಭಾಪತಿಯವರೆ, ಮಾನ್ಯ ಗೃಹಸಚಿವರು ಈ ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿರಕ್ಕಂಥ ಈ ಕರಾರ ಶಾಸನವನ್ನು ನಾನು ವಿರೋಧಿಸುತ್ತೇನೆ. ಮೈಸೂರು ದೇಶದ ಇತಿಹಾಸದಲ್ಲಿ ಸ್ವಾತಂತ್ರ್ಯ ಬಂದು 19 ವರ್ಷದ ನಂತರ ಮತ್ತು ನಮ್ಮದೇ ಆದ ರಾಜ್ಯಾಂಗವನ್ನು ಹೊಂದಿ 1950 ಜನವರಿ 26ನೇ ತಾರಿಖಿನ ದಿನ ರಸಿಸಲ್ಪಟ್ಟ ರಾಜ್ಯಾಂಗ ನಮಗೆ ಬಂದು 16 ವರ್ಷದ ನಂತರ ಇತರ್ ಮೈಸೂರು ಪಕಾರ ತಮ್ಮ ಕಷ್ಟ ದೃಷ್ಟಿಯನ್ನು ಈ ರಾಜ್ಯಾಂಗದ ಮೇರೆ ಬ್ರಿಂಗಿತ ಬಂದು ಕಷ್ಟ ಶಾಸನವನ್ನು ಈ ಶಾಸನಸಭೆಯ ಮುಂದೆ ತಂದಿರಾವರು ನಮ್ಮ ಪ್ರಜಾಪ್ರಭುತ್ವಕ್ಕೆ, ರಾಜ್ಯಾಂಗಕ್ಕೆ ಅವಮಾನ ವಾದಿದ್ದ ಹಾಗೆ ಅಗಿದೆ. ಗೃಹಸಚಿವರು ಈ ಸಂಸಾರೆಯನ್ನು ಮಂಡನೆ ಮಾಡತಕ್ಕಂಥ ಕಾಲದಲ್ಲಿ ಹೇಳಿದರು, ಈ ಕೆಳದಿಂದ ನೌಕರರ ಜೀವನದ ಸಮಸ್ಯೆಯನ್ನು ಒವ್ವುಕೊಂಡಿದ್ದಾರಂದು. ಇವತ್ತು ಈ ಸಂಸಾರೆಯ ಹಿಂಡೆ ಇರತಕ್ಕಂಡ ಮೂಲಭೂತವಾದ ಪ್ರಕ್ರಿಯನ್ನು ನೋಡಬೇಕಾಗಿದೆ ಇವತ್ತು ಮನಸ್ಸನ ಆಜಿಸ್ತು ನಿಡೆವಾದ ಜೀವನದ ಹಕ್ಕನ್ನು ಪ್ರತ್ಯೇ ಮಾಡತಕ್ಕಂಥ ವಿಷಯ ಇಡರಲ್ಲದೆ. ನಮ್ಮ ಮೂಲಭೂತವಾದ ಹಕ್ಕು, ಮಾತನಾಡುವ ಸ್ವಾತಂತ್ರ್ಯ, ಇದಲ್ಲಕ್ಕೆಂತಲೂ ಏಗಿರಾದ ಅಂಶವಾದರ, ಈ ದೇಶದಲ್ಲಿ ಜೀವಿಸಬೇಕು, ಜೀವಿಸಿದ್ದ ಅವಕಾಶವನು. ನಕಾರ ತನ್ನ ಅಧಿನದಲ್ಲಿರತಕ್ಕಂಥ ಅಧಿಕಾರಿಗಳಿಗೆ ಕೊಟ್ಟದೆಯೇ ಇಲ್ಲವೇ ಎನ್ನ ವದನ್ನು ನೋಡಬೇಕು. ಆ ಬಂದು ಪ್ರತ್ಯೇ ದೇಶದ ಮುಂದೆ ಇದೆ. ನಿಮಿಂದ ಪರ್ವಂತ ದೇಶದ ಬೆಸ್ಸುಮೂಲಿ, ಅವರನ್ನು ನಾಕ ಬೇಕಾದ್ದು ನಮ್ಮ ಕರ್ತವ್ಯವಲ್ಲವೇ? ಈ ದಿನೆಯಲ್ಲ ಸರ್ಕಾರದ ಅಧಿನದಲ್ಲಿರತಕ್ಕಂಥ ಅಧಿಕಾರಿಗಳು ದಂಗೆ ವಿಳತಕ್ಕಂಥ ಪ್ರಚೋದನೆ ದೇಶದ ಮುಂದೆ ಇನ್ನೂ ಬಿಂದಿಲ್ಲ.

ಶ್ರೀ ಎಂ. ವಿ. ರಾಮಾರಾವ್.—ಬಿಂದಿದೆ.

(ಶ್ರೀ ಐಸ್. ಶಿವಪ್ಪ)

ఆ చున్నాదేయల్లరతక్క 5, 6, 7, మత్తు 8 నే కలంగాఖన్ను నెలిడిదరినావు యావ యుగద్వాదైవే ఎంబుటు ఈ ప్రభావుభుత్వాల్ల ఒందు దొడ్డె సంతయివన్నంటు చూడువుదు ఆగిదే. ఇవత్తు యారాదరాల కళదశ్శ నౌకరాలు రాజకీయముండర నకాయదింద చేసేమాకి ఇదిక్కు ప్రికావెన్ను ఎందు నవ్వ జోతియల్లకుల్లాకేందు చూతనాదిదరాల రాజకీయముండనన్ను నక ద్వస్తిగిరి వాడుకుండు. ప్రోలీసినవరిగే ఆగాధావాద అధికారవన్ను కోణిందిరి. యారాదరాల వారసదారరు ఇల్లడ బీదియల్ల హోగుత్తా ఇద్దరూ కూడ అంతకవనన్ను కూడ పడిదుకేందుకేల్గితక్క వ్యోపరిత్వాద ప్రోలీసి అధికారవన్ను కోణిందిరి. అన్నా యారన్నాదరాలనే గిరి మాడబుండు. అశరిమితపాద అధికారవన్ను ప్రోలీసిర క్షేయల్ల కోణిందిరి ఇదన్ను నేఱుదిరే దేశదల్ల మాతనాటువుదు కేగే, నభీ సేర్యావుదు హేగే, మారచణగ్గా హోగువుదు కేగే ఎందు యోణిచేకేకాయిదే. రాబ్యూంగ దత్తవాద మాలభూతపాద హక్కిగే కోపచేష్టు కాకి మాలభూతపాద హక్కన్నే ఈ చున్నాదేయింద కదిచుకూవప్రసంగపన్ను నోయ్దుత్తా ఇష్టేపే. యావ ద్విష్టియింద నోయ్దిదాల కూడ నమ్మ దేశదల్ల చందిరతక్క ప్రభావుభుత్వ ఈ దేశదల్ల బాయిచేకు, బేగాచేకు. ఏకిందరే, ఇందియా చేశదల్ల ప్రభావుభుత్వ బేయియుత్తిరే. ఇల్లయ జనగా నమ్మగ్గాన్ను కాగూ చూలభూతపాద హక్కుగాన్ను రకణ్ణ చూడువ తక్క నవ్వ ఇందియా దేశదల్లయేసే ఎంబుదను ఇంది ప్రపంచపే నోయ్దుత్తిదే. ఇవత్తు ప్రభావుభుత్వ పరిస్థిత్యాగువ నందభఫదల్ల జనగా చేశే కొగూ నమ్మ మోలే ఇంతక కరాశ తానసపన్ను హేరి జనగాల్ల ప్రశ్నిదినేయస్తుంటు మాడువ కాగే మాదిద్దిరి. ఈగిన ప్రభావుభుత్వాల్ల జనగాల్గే సంబిచే ముఖ్యసీనమ్మ సమ్మానించాన్ను పరికార మాడువ అవకాశచే ఇల్ల. నావు క్షేంద్రంభ ప్రభావుభుత్వపన్ను నుచ్చి నూరు మాడువంతక రా తానసాన్ను ఈ నభీయల్ల కరిద్దిర బఖచ చేన్నాగితు ఇవరింద నమ్మ దేశదల్ల జనరే దంగి ఏటువ పరిస్థితిగే ఇవరే కారణింగాచూరై చుక్కాత్మక గాంధియవు ఒందు నారా హేలీదరు. యావ దేశదల్ల యావ నకార కిష్టపు శ్వచ్ఛాణదల్ల శానసాన్ను మాడి కిష్టివ నంబీ తానసాగింద అశ్వాత్మాలే ఆ రాజ్య బిభాగే చేన్నాగిరుత్తాడే, అస్తున అడిలతపూ చేన్నాగి నడెయ్యతే ఎందు, అదరే ఇవరు రాబ్యూంగ పన్ను బేకొదరూ తిమ్మవ శక్తియన్న బేశిసీకోండిద్దారే. నమ్మ తానసాగాన్ను ఆ రీతి యాల్ల తిమ్మపాటు చూడుత్తారే. కేగే జనగా కితక్క ధక్కు బరువంతక కూనానుగాన్ను ఇష్టిరు కేగే మాడువత్తాక్షోదిర ఇదు ఎల్ల హోగుత్తాలే, యావ దీక్కనల్ల హోగుత్తాలే ఎన్ని ఎన్నిపుండు మాలభూతపాద ప్రత్యే బరుత్తిదే. ఈ ప్రదేశదల్లరతక్క నౌకరిపన్ను యారాదరాల నకార కేంపనక్కు సేరిచేడి ఎందు ప్రచోదనే మాదుత్తాద్దార అదు బండికి చాగి తప్పు. ఇల్లరతక్క ప్రత్యే కే దశ దశ్శ నౌకరిగిరికటక్క నంబిల్ల కేందుపుండు మాలభూతపాద ప్రత్యే. ఈ ప్రత్యేక్కుయన్న మాలావాపాపగాందల్ల నకారద ముఖ్యిం ఇష్టిచునిచుదిచుకొండరూ ఈ నకార కిష్టిగే హాకికోణ్ణల్ల. అవరిగే కోణిందిర పరికారవన్నే కోణిందిల్ల. అదరింద కేవల ఒందు దివస ఇంతక కలప చూపించేకు ఎందు అపరా తీవ్రాన మాడిదేర అడక్క నకార కేగే మాదిదర అపరా ఎల్లగే హోగచేకు, ఇన్నేన్ను చూపచేకు ఎంబుదన్ను నావు యోఽంగే మాడబేకాయిదే. నౌకరి సమస్యల్ను తానస నభీయల్ల ఇష్టు ఇష్టిచుదిచుకొనే ఈ నౌకార కిష్టిగే హాకికోణ్ణల్ల. అదరింద కేవల ఒందు దివస ఇంతక కలప చూపించేకు ఎందు అపరా తీవ్రాన మాడిదేర అడక్క నకార కేగే మాదిదర అపరా ఎల్లగే హోగచేకు, ఇన్నేన్ను చూపచేకు ఎంబుదన్ను నావు యోఽంగే మాడబేకాయిదే. ఇన్నాను కోడ ఇంటర్ స్పీట్ స్టీసియారిట లస్ట్ ప్రఫెచారిటిగాల్ల. ఒందోందు కడే ఒంచోందు రీతియి సంబాట. మందూర్ కణారాషికదల్ల ఒందు రీతియి సంబాట, బోంబాయి కణారాషికదల్లయ్యే ఒందు రీతియి సంబాట, ముఖ్యానారినప్పుట్టే ఒందు రీతియి సంబాట, హైదరబాద్ కణారాషికదల్ల ఒందు రీతియి సంబాట—కేగే బదు ప్రదేశగాల్లాడూ ఇవత్తినపరేగూ సంబాట దల్ల సంచూత కాణింగదాయిదే. ఒందోందు కండెండు ఒందు ఒందు ప్రముఖదల్ల నీవు అపరాన్న, కేగే సంతోషాధింద, ఒందు నంబికల్లాండ నకారద కేలుస

ವನ್ನು ಒಳ್ಳೆಯ ತಿಸ್ತಿಸಿದೆ ಮಾಡಿ ಎಂದು ಹೇಳುತ್ತಿರ್ದಿರಿ. ನಿಜ, ತಿಸ್ತಿಸಿದೆ ಮಾಡಿ ಎಂದು ಹೇಳುವದು ಸರ್ಕಾರದ ಕರ್ತವ್ಯ. ಆದರೆ ತಿಸ್ತಿಸಿದೆ ಸರ್ಕಾರ ಸೂಕ್ತನಾಗಳಿಗೆ ನಾಜುಯವನ್ನು ಏಪ್ಲಿಕೇಶನ್ ಮಾಡುತ್ತಿರುವುದು ಎಷ್ಟು ವರ್ಷಗಳಿಂದ ಬುದಂಥ ಭಾರತವಾದ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಸರ್ಕಾರವೇ ಅರ್ಥಾತ್ ಸರ್ಕಾರಿಯಾಗಿದೆ. ಇದು ಪ್ರದೇಶಗಳಿಂದ ಬುದಂಥ ಏನ್.ಎಸ್.ಎಸ್.ಎಸ್.ಎಸ್. ಸರ್ಕಾರಿ ಸಾರಿಗೆಯಲ್ಲಿ ಅಂತರ ಪಾರಿಸಿದೆ ಎಂಬುದನ್ನು ನೀಡಿದರೆ ಹುದ್ದೆರಾಬಾದ್ ನಿಂದ ಬಂದವರೇ ಮೇರೆ ಹೇಳಿದ್ದಾರೆ. ಮಾರಾಠಾನೀವಿಂದ ಬಂದಂಥಾ ಪರಿಗೇ ಬಂದು ತರಹ ಸಂಬಿಳಣಾಗಿರೆ. ಕ್ರಿಗಾರಿ ಏನೋಂ ಬಂದು ಗಡಿದಿ ನಮ್ಮ ದೇಶದಲ್ಲಿ ಸರ್ಕಾರ ನೌಕರರ ಸಂಖ್ಯೆ ವಿಕಾರವಾಗಿ ಸಿರಿವಾದ, ಆಜ್ಞೆರಾದ ತೀವ್ರಾನ ವಾಡಲ್ಪ್ಲ. ಇಂತಹ ಕರ್ತವ್ಯಕರವಾದ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಸರ್ಕಾರ ನೌಕರನ್ನು ನಾವು ಇಟ್ಟಿದ್ದೇವೆ. ಈ ವಿಷಯದಲ್ಲಿ ಸರ್ಕಾರ ತನ್ನ ಕರ್ತವ್ಯವನ್ನು ವಾಡದೆ ಇವತ್ತು ನೌಕರಿಗೆ ಬೇಕಾದ ನಾಜುಯವನ್ನು ದೊರಕಿಸಿಕೊಡಿ ಎಂದು ಕೇಳಿದಾಗ ಗಾಢಾ ಪ್ರಕಾರವನ್ನು ತಂದಿರಿತ್ತಾರೆ. ನಿಜವಾಗಿಯೂ ಕಾಡು ಇದು ಈ ನಮಸ್ಯೆಯನ್ನು ಬಿಗೆತರಿಸುವುದರ ಬದಲು ದೇಶದಲ್ಲಿ ಅವರ ಮನಸ್ಸಿನಲ್ಲಿ ವ್ಯಾಕುಲಪಣನ್ನು ಉಂಟುಮಾಡತಕ್ಕಾದಾಗಿದೆ. ಇವತ್ತು ನೌಕರ ರಲ್ಲಿ ನೇಮ್ಮತಿ ಇಲ್ಲ, ಅತ್ಯಾರ್ಥಿಯನ್ನು ಉಟ್ಟಿಸಿದಾದ್ದಾರೆ. ಮಾನಸ್ಸು ವ್ಯಾಕುಲಪಣಿಯೇ ಇಲ್ಲತ್ತದೆ. ಯಾವ ತರಹ ಕಲ್ಪವಣನ್ನು ಅವರಿಂದ ಇವರು ನಿರೀಕ್ಷಣೆ ಮಾಡುತ್ತಾರೋ ಗೊತ್ತಿಲ್ಲ. ಅದನ್ನು ಯೋಜನೆ ವಾಡಬೇಕಾಗಿದೆ. ಸಫಾವತಿಗಳೇ, ಈ ಕಾನೂನು ನಮ್ಮ ದೇಶದ ಶಾಸನ ನಭೇಯ ಇತಿಹಾಸದಲ್ಲಿ ಬಂದಿರತಕ್ಕ ಶಾಸನಗಳಲ್ಲಿ ಅತಿ ದಾರುಳಷಾ, ಅತಿ ಕರಿಂಜಾ, ಅತಿ ದುಷ್ಪಿರಿಜಾಮಾ ವನ್ನು ಉಂಟುಮಾಡತಕ್ಕಾದ್ದು ಆಗಿದೆ. ಇಂಥಾದ್ದು ನ್ನು ಇವತ್ತು ಸರ್ಕಾರಂದವರು ನಮ್ಮ ನಭೇಯ ಮುಂದೆ ಇಟ್ಟಿ ಪ್ರಜಾಪ್ರಭುತ್ವಕ್ಕೆ ಕೂಡ ಧಕ್ಕೆ ತರತಕ್ಕ ಮನೂಭಾವ ಈ ದೇಶದಲ್ಲಿ ಬೆಳೆಯಲ್ಕೇ ಈ ಕಾನೂನಿನಿಂದ ಏಡೆ ಕೆಂಟ್ಟಿಕಾಗಿದೆ. ಈಗೆರೆ ಸರ್ಕಾರದವರಿಗೆ ಹೇಳುತ್ತೇನೆ. ಈಗ ಈ ಕಾನೂನು ವಾಡಿ ಇವತ್ತು ಸರ್ಕಾರ ನೌಕರನ್ನು ಬಂದಿಸುತ್ತೇವೆ, ಅವರನ್ನು ಹತ್ತಿರಿಷ್ಯಾದ್ದು ತ್ತೇವೆ ಎಂಬ ಮನೋಭಾವ ಬಿಟ್ಟು ನಿಂತು ಅವನ ಪ್ರತಿಯನ್ನು ಗಳಿಸಿರಿ, ಅವನ ನಮಸ್ಯೆಗಳನ್ನು ನಿಷಾರಳಿ ಮಾಡಿರಿ. ನಮ್ಮ ದೇಶದ ಬಿನ್ನು ಮಾರ್ಚೆ ಎನ್ನುವ ಕಳಿದಿಕ್ಕೆ ನೌಕರರ ವರ್ಗವೇನಿದ ನೌಕರವರ್ಗದ ಸಮಸ್ಯೆಯನ್ನು ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ತೀವ್ರಾನ ಮಾಡಿ. ಆ ಬಗ್ಗೆ ನಿಮ್ಮ ದೃಷ್ಟಿ ಕೇಳಿಂಬನ್ನು ಹರಿಸಿ. ಇದನ್ನು ಬಿಟ್ಟು ಈ ರೀತಿ ಗಢಾಪ್ರಕಾರ ಮಾಡಿ ಅವರ ಸಮಸ್ಯೆಗಳನ್ನು ಪರಿಹಾರಿಸುವುದು ಕಷ್ಟ. ಈ ದೇಶದ ಅಡಿತದ ಬಿನ್ನು ಮಾರ್ಚೆ ಮುರಿದರೆ ಸರ್ಕಾರದ ಅಡಿತವೇನಾ ದೀತು? ಬೆನ್ನು ಮೂರ್ಕೆ ನರಿಯಾಗಿರುವಂತೆ ಭದ್ರಪಾದ ರೀತಿಯಲ್ಲಿರುವ ಹಾಗೆ ಸರ್ಕಾರ ವರ್ತಿಸಲಿ. ಇಲ್ಲವೇ ಹೊದಿರೆ ಸರ್ಕಾರದ ಬೆನ್ನು ಮೂರ್ಕೆ ದೀರುದಿಕೊಗುತ್ತೇ. ಪ್ರಜಾಪ್ರಭುತ್ವಕ್ಕೆ ಅವಮಾನ ವಾಗುತ್ತದೆ. ಅದ್ದರಿಂದ ಈ ಮನೋಭಾವ ನಮ್ಮ ವಾಪನ್ನು ತೆಗೆದುಕೊಂಡು ಪ್ರಜಾಪ್ರಭುತ್ವಕ್ಕೆ ಮನುಷ್ಯ ಕೂಡಬೇಕಂದು ಹೇಳಿ ಈ ಮನೋಭಾವ ನಮ್ಮ ವಿರೋಧಿಸುತ್ತೇನೆ.

Sri G. V. GOWDA.—Sir, much of the contentions put forward by the Hon'ble Minister in his elaborate speech in my opinion has no relevancy to the issues before us. He has not been able to convince this House how this House is constitutionally and legally competent to adopt this legislation.

6-00 P.M.

Sir, at the outset, let me say, the very promulgation of the Ordinance is mischievous, ill-conceived and absolutely unwarranted. The Minister went on to justify and gave certain conditions which existed and since the legislature was not in session, they had to resort to this ordinance.

Sir, we have got to see article 309 in this connection. Whether article 309 empowers Parliament or the Assembly to adopt a legislation of this kind. This purely relates to the conduct and behaviour and loyalty of civil servants. What is mentioned in article 309 is regulating services regarding recruitment. In the absence of a clear mentioning as

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to how the conduct of the civil servant should be regulated, are we competent to adopt a legislation in this behalf? In the absence of this, the only alternative for the Government is to frame rules, executive orders, to regulate the conduct of civil servants. And after all, it is not a new thing.

MR. SPEAKER.—What could be done by the executive Government; the House is not competent to do! If a rule can be made embodying all the provisions of this Bill, do the member seriously suggest that the legislature has no competence?

SRI G. V. GOWDA.—Here, if we see the rules, either the State Civil Service Conduct Rules and the Legislation that we seek to adopt, there is a vast difference and they do not fit in with each other. What I submit is, article 309 does not envisage a legislation of this kind. It envisages legislation, regulating recruitment and conditions of services of persons appointed to public services. From time to time Government do frame the rules and the latest being, the Mysore Civil Service Conduct Rules 1966. Sir there is ample scope for the Government under these Rules to take action to deal with any mischief on the part of the Civil servants. Such being the case, where was the need for the Government to promulgate an Ordinance to replace it by legislation which is before the House. Sir, I would read the relevant rule, rule 8:

“No Government servant shall engage himself and participate in any demonstration...which is prejudicial to the interest, sovereignty, integrity of India or of any State, or interfere with relations with foreign States...”

They have incorporated what is mentioned in article 19 (2) of the Constitution. When there is ample scope for the Government to take action against civil servants who indulge in demonstrations and strikes, where is the emergency which has compelled the Government to promulgate this Ordinance? That is my question.

Let me now take up the discussion whether this particular rule is *ultra vires* of the competence of the Government. That is a different matter. Now, even as it is, there is ample scope in the Civil Services Rules. If that were the case, why should Government resort to the issue of the Ordinance? It is a matter which I cannot understand. So, intentionally this has been done and naturally, the inference is that there is something *mala fide* in the intentions of the Government. We cannot over-rule it.

Sir, the Hon'ble Minister stated that there is no infringement of the known grounds. Of course, the civil servant has no fundamental right. That we concede. But the restrictions that we impose by means of the legislation must be reasonable, must be within the ambit that is

contemplated under article 19 (2). Mr. Hegde went on to read decisions. If he carefully reads these decisions in 'Arunachalam and Gopalan', he will realise that these decisions are against his own statement.

Mr. SPEAKER.—Why does the member not read the decision?

Sri G. V. GOWDA.—Article 19 (2) says that every citizen has got a fundamental right subject to reasonable restrictions imposed herein: These restrictions must come within the ambit of seven items enumerated below:

(i) interest and security of the State;

(ii) friendly relations with foreign States, etc. Subject to these, we can impose reasonable restrictions and it would be reasonable. There are umpteen number of decisions and rulings that have been given by the various Indian High Courts in this matter. What is a reasonable restriction when we adopt a legislation like this? The West Bengal Government framed the rules to regulate the conduct of its servants. It was challenged in 1955 and their Lordships of the Calcutta High Court held that Rule 21 which constitutes unreasonable restrictions on the fundamental rights mentioned in article 19 (1) (a) and 19 (2)—Government servants were prohibited from addressing any association and their Lordships thought that the restriction is unreasonable. Like-wise, in Allahabad High Court, a similar rule framed, came into question. Why I am quoting these decisions is, clauses 4, 5 and 6 of the Bill involve persons other than civil servants also. Supposing some batch of people come to me and seek my advice in my professional capacity and suppose I advise them to make peaceful demonstrations which is my honest opinion, and in pursuance of that advice if they indulge in demonstrations, would the Government prosecute me because I have openly and honestly expressed my opinion? Is it not an unreasonable restriction against my right? Am I not entitled to be consulted and if honestly I believe that a certain thing is true and I come out and state that, under the provisions of this Bill, it amounts to incitement and I am liable for prosecution. What I mean to say is that to the extent of the ambit specified in 19 (2), we can impose reasonable restriction and it is vague. There are decisions to show that legislation which does not speak of certainty, cannot be sustained. The clear test is whether the restriction imposed comes within the abmit of 19 (2). If it does not come, how can the Minister say that the restriction imposed is reasonable. Can you say that? Unless the reasonable restrictions that we say we are imposing comes within the amit of that, any legislation cannot stand under article 19 (2). 19 (2) speaks of the security of the State. The civil servants indulging in a strike is not against the security of the State. The present legislation would not come under any item of 19 (2). Secondly, the restriction must be reasonable restriction. Suppose a person speaks in a public meeting telling the association or the union that its agitation is good and its grievances are proper. Then, he also comes under the present clause. Would it come under the reasonable restriction?

Mr. SPEAKER.—There is a talk now under the auspices of the Commonwealth Parliamentary association. There are hardly three minutes more. Tomorrow, the whole day has been set apart for the supplementary demands. What shall we do?

Sri S. SIVAPPA.—We will have Supplementary Demands day after tomorrow.

Mr. SPEAKER.—I will not personally object it. But the Business Advisory Committee has taken some steps. Tomorrow the work connected with this Bill will be finished early and we will take up supplementary demands afterwards.

The House will now adjourn and re-assemble tomorrow at 1.00 P.M.

The House adjourned at Fifteen Minutes past Six of the Clock, to meet again at One of the Clock on Tuesday, the 22nd November 1968.